

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54199 of 2016

Arising Out of PS.Case No. -327 Year- 2016 Thana -BIRAUL District- DARBHANGA

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1. Braj Kishore Acharya @ Nathuni Acharya, S/o Late Mahendra Acharya,
 2. Usha Devi, W/o Braj Kishore Acharya @ Nathuni Acharya, both R/o Baliya P.S. Biraul, Distt. Darbhanga.

.... Petitioner/s

Versus

1. State of Bihar.
2. Ram Kishore Choudhary, S/o Digambar Choudhary, R/o Pokhram P.S. Biraul, Distt. Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dayanand Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 28-01-2017

Heard learned counsel for the Petitioners and the State.

The Petitioners apprehend their arrest in Biraul P.S.

Case No.327 of 2016 instituted for the offence under Section(s) 302/34 Indian Penal Code.

It is alleged in the written report that the deceased was married with Ghanshyam Acharya in the year 2004. One Ram Vijay Choudhary, on 12.09.2016, went to the house of the Informant and informed that she is not well. Thereafter, the Informant along with his brother, Nand Kishore Choudhary, and Ram Vijay Choudhary went to his daughter's *Sasural* and found her lying dead on the bed. They enquired from their grand-son,



Shivam, about the occurrence then he told that his mother (since deceased) was beaten by his father and these petitioners, who are the father-in-law and mother-in-law.

Counsel for the Informant submits that grand-son and grand-daughter of these petitioners (son and daughter of the deceased) have given statement under Section 164 Cr. P. C., wherein, they have stated that these petitioners along with the husband of the deceased assaulted her.

Learned APP has submitted that there is no Post Mortem Examination Report available in the Case Diary. Learned APP submits that the police has mentioned the Inquest Report in para 8 of the Case Diary. There was no injury on the body of the deceased. The police have merely stated that blood was coming from the mouth.

It has been submitted on behalf of the petitioners that they are the parents-in-law and there is no specific overt act alleged against them.

In the circumstances, prayer of the petitioners for anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Biraul P.S. Case No.327 of 2016, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/-



(ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Biraul, Darbhanga, subject to the conditions as laid down under Section 438(2) Cr. P. C.

(Sanjay Priya, J)

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